



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Reply To: OWW- 135

MAY 14 2008

Kelly Susewind, P.E., P.G.
Interim Water Quality Program Manager
P.O. Box 47600
Olympia, Washington 98504-7600

Re: EPA revised determination regarding the 2003 turbidity criteria revisions

Dear Mr. Susewind:

Thank you for your April 11, 2008, clarification letter regarding EPA's determination on Ecology's turbidity criteria contained in our February 11, 2008, approval letter of the 2003/2006 water quality standards. In the enclosure to our February 11 approval letter, EPA determined that the 2003 revisions to the freshwater (WAC 173-201-200(1)(e)(i)) and marine water (WAC 173-201-210(1)(e)(i)) turbidity provisions are not water quality standards under Section 303(c) of the CWA. The EPA, therefore, did not take action on these provisions.

Based your clarification letter, we agree that we misinterpreted your 2003 revisions to your freshwater and marine water turbidity criteria that allow for a temporary area of mixing during and immediately after necessary in water construction activities that result in the disturbance of in-place sediments. We now recognize that these provisions were previously contained in the Short Term Modification section of your 1997 water quality standards and that in your 2003 revised standards you moved the location of these provisions to be included directly in the freshwater and marine water turbidity criteria sections. However, although these provisions were moved in the 2003 revised standards, the substance of these provisions did not change as you explained in your clarification letter.

Accordingly, with this letter EPA is revising its determination on the freshwater (WAC 173-201-200(1)(e)(i)) and marine water (WAC 173-201-210(1)(e)(i)) turbidity provisions. EPA's revised determination is to approve these provisions as editorial and formatting changes that do not alter the water quality standards that EPA previously approved and that were in effect in the 1997 standards. EPA is approving the changes to these provisions to ensure that the editorial and formatted provisions are in effect under Section 303(c) of the CWA. However, EPA is not re-assessing the underlying substance of these provisions that were previously approved in 1997.

The enclosure to this letter is an amended justification for the approval of these two provisions. This enclosure replaces EPA's previous determination that was described in the enclosure to EPA's February 11, 2008 letter on pages 36-38 (IV.C.17) and pages 52-54 (IV.D.15).

If you have any questions regarding these action, please call me at (206) 553-7151 or Jannine Jennings, Manager for the Water Quality Unit at (206) 553-2724.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Gearheard", with a stylized, flowing script.

Michael F. Gearheard, Director
Office of Water and Watersheds

Enclosure

cc: Melissa Gildersleeve